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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,316	06/30/2000	Michael L. Asmussen	5216	2925
26291	7590	03/10/2005		
MOSER, PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE, STE 100 FIRST FLOOR SHREWSBURY, NJ 07702			EXAMINER KOENIG, ANDREW Y	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/609,316

Applicant(s)

ASMUSSEN, MICHAEL L.

Examiner

Andrew Y Koenig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 106-118 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 106-118 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/26/02, 3/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 112 is objected to because of the following informalities:

Claim 112 recites the limitation "said circuitry" in line 2. There is insufficient antecedent basis for this limitation in the claim. For the benefit of complete prosecution, "said circuitry" will be interpreted as "circuitry" for the rest of this Office Action.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 106-118 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,990,927 to Hendricks et al. (hereafter Hendricks).

Regarding claim 106, Hendricks teaches a level D upgrade module, as shown in figure 12 b, which is an apparatus for upgrading a capability of a set top terminal (STT) (col. 15-16, ll. 58-17, col. 26, ll. 9-16). Hendricks teaches a STT receiving a data stream including a plurality of compressed program signals, decompressing the program signal, and providing a corresponding output signal adapted for use by a display device (col. 10, ll. 48-58). Hendricks teaches a STT interface for communicating between the upgrade and the STT (fig. 5b, 662, col. 15-16, ll. 58-17, col. 26, ll. 9-16). Hendricks

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teaches an upgrade decryption module (fig. 12B, label 140), which by definition for decrypting an encrypted program signal to and providing a compressed program signal, which is next logical element in the system (col. 27, ll. 45-65).

Regarding claim 107, Hendricks teaches a STT including a first decryption module for decrypting a program signal according to a first encryption format (fig. 4, label 600) (col. 14, ll. 36-44), and an upgrade decryption module decrypting a program signal encrypted according to a second encryption format (fig. 12b, label 140, col. 27, ll. 47-65).

Regarding claim 108, Hendricks teaches a first encryption format comprising a video encryption format (fig. 4, label 600, col. 14, ll. 36-44), and a second format comprising an audio encryption format (fig. 12b, label 140, col. 27, ll. 47-65, col. 39, ll. 48-51).

Regarding claim 109, Hendricks teaches an upgrade tuner (fig. 12b, label 134), for selecting an audio stream (col. 39, ll. 35-47), a demultiplexer (fig. 12b, 138) for coupling an encrypted audio stream to the upgrade decryption module, which is shown in figure 12b.

Regarding claim 110, Hendricks teaches an audio decompression element (fig. 12b, label 142), for decompressing the compressed program signal provided by the decryption module, as shown in the logical arrangement of elements in figure 12b (col. 27, ll. 41-50).

Regarding claim 111, Hendricks teaches a tuner (fig. 12b, label 134), for selecting an audio stream (col. 39, ll. 35-47), a demodulator (fig. 12b, label 136) for

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demodulating the data stream that inherently, by definition, produces a demodulated data stream, a demultiplexer (fig. 12b, label 138), for extracting an encrypted data stream for the demodulated data stream (as shown by the logical order elements), and the encrypted data stream coupled to said upgrade decryption module, as shown in figure 12b, see also col. 27, ll. 45-60.

Regarding claim 112, Hendricks teaches a first processor (fig. 4, label 602) for controlling circuitry (col. 27, ll. 51-55). Hendricks teaches an upgrade processor fig. 12b, label 132) communicating with the first processor via said STT interface, wherein the upgrade processor controls the upgrade decryption module, which clearly controls the demultiplexer and decryptor as shown in figure 12b.

Regarding claim 113, Hendricks teaches providing user interface menu via the STT (fig. 21, col. 40, ll. 27-32).

Regarding claim 114, Hendricks teaches the upgrade apparatus providing user interface menu imagery via a visual display to the user (col. 27-28, ll. 60-9).

Regarding claim 115, Hendricks teaches a STT with a first circuitry receiving a data stream including a plurality of compressed program signals, decompressing the program signal, and providing a corresponding output signal adapted for use by a display device (col. 10, ll. 48-58). Hendricks teaches an upgrade circuitry (fig. 12B, label 130), by providing a tuner (fig. 12b, label 134), decryptor (fig. 12b, label 140), and a decompressor (fig. 12b, label 142). Hendricks teaches a STT interface for communicating between the upgrade and the STT (fig. 5b, 662, col. 15-16, ll. 58-17, col. 26, ll. 9-16).

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Regarding claim 116, Hendricks teaches a STT including a first decryption module for decrypting a program signal according to a first encryption format (fig. 4, label 600) (col. 14, ll. 36-44), and an upgrade decryption module decrypting a program signal encrypted according to a second encryption format (fig. 12b, label 140, col. 27, ll. 47-65).

Regarding claim 117, Hendricks teaches a first encryption format comprising a video encryption format (fig. 4, label 600, col. 14, ll. 36-44), and a second format comprising an audio encryption format (fig. 12b, label 140, col. 27, ll. 47-65, col. 39, ll. 48-51).

Regarding claim 118, Hendricks teaches an upgrade tuner (fig. 12b, label 134), for selecting an audio stream (col. 39, ll. 35-47), a demultiplexer (fig. 12b, 138) for coupling an encrypted audio stream to the upgrade decryption module, which is shown in figure 12b.

Conclusion

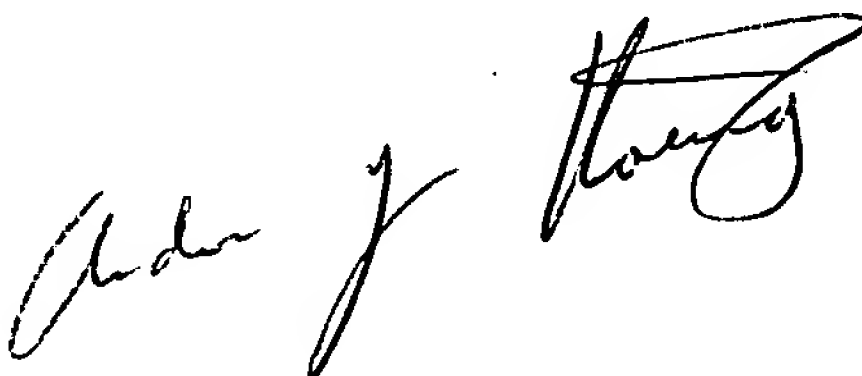
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ayk

A handwritten signature in black ink, appearing to read "Andrew J. Thompson", is written in a cursive style.